



2624
JFW

03560.001549.1 (35,21,549 CI)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Douglas Q. Tran
Hirohiko ITOH)
: Group Art Unit: 2624
Appln. No.: 09/322,177)
:
Filed: May 28, 1999)
:
For: IMAGE PROCESSING APPARATUS)
AND IMAGE PROCESSING IMAGE :
August 26, 2005

Attn.: Petitions Attorney Douglas I. Wood
Office of Petitions
Madison Building (West), 600 Dulany Street

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXPEDITED RECONSIDERATION OF
JULY 26, 2005 DECISION ON PETITION

Sir:

RELIEF REQUESTED

The issue fee having been paid on June 16, 2004, Applicant respectfully requests expedited reconsideration of the July 26, 2005 Decision on Petition, and entry in the parent of the subject continued prosecution application of the attached Preliminary Amendment.

FACTS

1. Parent Application No. 09/322,177 was filed on May 28, 1999.
2. The subject application is a continued prosecution application (CPA) under former 37 C.F.R. § 1.53(d), which was filed on October 4, 2002 and which has the same application number as the parent application which was abandoned in favor of the subject application.
3. The subject application has been allowed, and the issue fee was paid on June 16, 2004.
4. On June 22, 2004, Applicant filed a Petition under 37 C.F.R. § 1.182 to amend the abandoned parent application (i.e., an Ex parte Sampson petition).
5. A July 26, 2005 Decision dismissed the Petition on the grounds that 37 C.F.R. § 1.312 precludes entry of an amendment after payment of the issue fee.

REASONS WHY THE RELIEF REQUESTED SHOULD BE GRANTED

While 37 C.F.R. § 1.312 precludes entry of an amendment after payment of the issue fee, Applicant respectfully submits that the June 22, 2004 Petition was not filed under 37 C.F.R. § 1.312 but rather under 37 C.F.R. § 1.182 and sought amendment not of the subject application, but of the abandoned parent application. Accordingly, Applicant earnestly believes that 37 C.F.R. § 1.312 should not preclude entry of the amendment to the abandoned parent application.

With respect to the amendment, Applicant has now noted that the amendment presented in the June 22, 2004 Petition contains mention of continued prosecution applications in

the 35 U.S.C. § 120 cross-reference; accordingly, Applicant has attached hereto a replacement Preliminary Amendment for entry in the abandoned parent application that provides a corrected 35 U.S.C. § 120 cross-reference, and entry thereof is earnestly solicited.

EXPEDITED HANDLING REQUESTED

Given that the issue fee has been paid, expedited handling of this Petition is respectfully requested.

FORMAL MATTERS: AUTHORIZATION TO CHARGE PETITION FEE

The Commissioner is authorized to charge any fee necessitated by this paper to Deposit Account No. 06-1205. A duplicate of this paper is attached for this purpose.

REQUEST FOR INTERVIEW

If any questions remain, Applicant respectfully requests that the Office of Petitions contact Applicant's undersigned representative at (202) 530-1010.

CONCLUSION

Favorable consideration hereof is earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel S. Glueck", positioned above a horizontal line.

Attorney for Applicant
Daniel S. Glueck
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSG/cmg

DC_MAIN 212891v1